

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Kobi Iki et al.
Patent No. : 7,951,142
Issue Date : May 31, 2011
Serial No. : 10/766,894
Filed : January 30, 2004
Title : CARTILAGE TREATMENT PROBE

Art Unit : 3739
Examiner : Michael F. Peffley
Conf. No. : 4190

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO DECISION ON REQUEST FOR RECONSIDERATION OF PATENT TERM
ADJUSTMENT AND NOTICE OF INTENT TO ISSUE CERTIFICATE OF CORRECTION

In a Decision on Request for Reconsideration of Patent Term Adjustment and Notice of Intent to Issue Certificate of Correction (“Decision”) dated August 11, 2011, the United States Patent and Trademark Office (“Office”) granted to the extent indicated herein Patentees’ Application For Patent Term Adjustment (PTA) Under 37 C.F.R. § 1.705(d) filed August 1, 2011, for the above-indicated patent. The Office agreed to adjust a period of time corresponding to Applicant Delay, for a total Applicant Delay of 112 days. The Office did not agree that “B Delay” should not be reduced by 131 days for the period of time under which the application was not undergoing continued examination.

The Office Incorrectly Excluded a Period of Time from B Delay that Does Not Correspond to Time Consumed by Continued Examination

The Decision stated that the patent is entitled to 886 days of PTA. Patentees maintain that the patent is entitled to 1,017 days of PTA, for the reasons provided below.

“A Delays” are defined as delays by the Office under 35 U.S.C. § 154(b)(1)(A), which guarantees prompt response by the Office. It is Patentees’ understanding that there is no dispute that there were four periods of A Delay (March 31, 2005, to May 9, 2006; December 8, 2007, to November 17, 2008; June 27, 2009, to August 21, 2009; and March 24, 2010, to July 7, 2010) for a total of 913 days.

Adjustment date: 10/03/2011 INT/EP1
10/13/2011 INT/EFSW 00002573 661055 10766894
CERTIFICATE OF MAILING BY EFS-WEB-FILING

I hereby certify that this paper was filed with the Patent and Trademark Office using the EFS-WEB system on this date: September 12, 2011.

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND

1 Date of Request: 9/20/11 2 Serial/Patent # 10/766,894

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SIGNATURE: Shirene Willis Brantley PHONE: 2-3230

OFFICE: Office of Petitions

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APPROVED: PL DATE: 9/30/11

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